



Paper No. 19

Pillsbury Winthrop LLP
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San Francisco CA 94105**COPY MAILED****JAN 08 2004****OFFICE OF PETITIONS**

In re Application of
Warren et al.
Application No. 09/813,463
Filed: March 20, 2001
Attorney Docket No. 098810/0278740

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DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed January 11, 2002, and resubmitted by facsimile transmission on November 18, 2003, requesting that the above-identified application be accorded a filing date of March 20, 2001. The present petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to applicants.

On March 20, 2001, applicants deposited the above-identified application. On November 29, 2001, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on January 11, 2002, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 19 sheets of drawings (Figures 1-18) on March 20, 2001. Additionally, applicants submitted a copy of the 19 sheets of drawings, consisting of Figures 1-18. Thereafter, the Office of Initial Patent Examination accorded the above-identified application a filing date of January 11, 2002, the date of receipt of the drawing sheets.

Upon review of the record, the 19 sheets of drawings deposited on March 20, 2001, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 20, 2001, included 19 drawing sheets, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including 19 drawing sheets, was complete on filing and will be granted a filing date of March 20, 2001.

Accordingly, the petition is granted.

The drawings requirement set forth in the "Notice of Incomplete Nonprovisional Application," mailed November 29, 2001, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be refunded to Deposit Account No. 03-3975, as requested.

The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to March 20, 2001, using Figures 1-18 submitted with the original petition, and to mail a corrected filing receipt reflecting the change. The Office records should indicate that 19 sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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